

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 04-1771**

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GUAI REN LIU,

Petitioner,

versus

JOHN ASHCROFT, Attorney General,

Respondent.

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On Petition for Review of an Order of the Board of Immigration Appeals. (A77-316-713)

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Submitted: December 13, 2004

Decided: January 11, 2005

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Before WILKINSON, NIEMEYER, and DUNCAN, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Thomas V. Massucci, New York, New York, for Petitioner. Peter D. Keisler, Assistant Attorney General, Richard M. Evans, Assistant Director, Patricia A. Smith, OFFICE OF IMMIGRATION LITIGATION, Washington, D.C., for Respondent.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Guai Ren Liu, a native and citizen of China, seeks review of a decision of the Board of Immigration Appeals affirming without opinion the Immigration Judge's (IJ) denial of his applications for asylum, withholding of removal, and protection under the Convention Against Torture. Liu contends first that the IJ violated his right to due process because he rejected Liu's past persecution claim without making any reference to the medical report of Qing Yeh, M.D. We find this claim to be without merit because the record reveals that the IJ in fact considered the report and Liu, in any event, cannot show prejudice from the alleged oversight. See Rusu v. INS, 296 F.3d 316, 324 (4th Cir. 2002).

Next, Liu asserts that the IJ erred in relying on the 2001 State Department Country Report. We find that we are without jurisdiction to consider this claim because Liu failed to raise it before the Board and thus did not properly exhaust administrative remedies. See 8 U.S.C. § 1252(d) (2000); Asika v. Ashcroft, 362 F.3d 264, 267 n.3 (4th Cir. 2004), petition for cert. filed, 73 U.S.L.W. 3135 (U.S. Aug. 23, 2004) (No. 04-256).

We accordingly deny the petition for review. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED